

JAN 28 2009

PTO/SB/31 (12-08)

Approved for use through 01/31/2009. OMB 0651-0031

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>64656(46590)</b>	
In re Application of Iichirou Shimomura et al.			
Application Number <b>10/561,144-Conf. #9423</b>		Filed <b>October 17, 2006</b>	
For <b>NOVEL PROTEIN</b>			
Art Unit <b>1656</b>		Examiner <b>J. W. Lee</b>	

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-1105.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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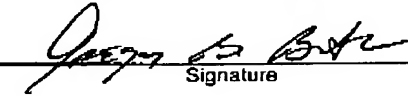
I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 34,558

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number If acting under 37 CFR 1.34. \_\_\_\_\_

  
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 Gregory B. Butler, Ph.D., Esq.  
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 (617) 517-5595  
 Telephone number

\_\_\_\_\_  
 January 28, 2009  
 Date

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.**

☐ \*Total of 1 forms are submitted.

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